



**American  
Forest & Paper  
Association**

TO:  
Joint Committee on Children  
State Capitol Building, Room 011  
Hartford, CT 06106  
ATTN: [kidtestimony@cga.ct.gov](mailto:kidtestimony@cga.ct.gov)

**AF&PA Statement on  
S.B. 5653  
An Act Concerning Chemicals of High Concern to Children**

February 5, 2015

The American Forest & Paper Association (AF&PA) appreciates the opportunity to share our perspective on legislation under consideration by the Connecticut Joint Committee on Children, S.B. 5653. We believe this legislation could create a costly, burdensome and duplicative chemical regulatory system in the state, and we respectfully must oppose this legislation.

AF&PA serves to advance a sustainable U.S. pulp, paper, packaging, and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry's sustainability initiative - *Better Practices, Better Planet 2020*. The forest products industry accounts for approximately 4.5 percent of the total U.S. manufacturing GDP, manufactures approximately \$200 billion in products annually, and employs nearly 900,000 men and women. The industry meets a payroll of approximately \$50 billion annually and is among the top 10 manufacturing sector employers in 47 states. In Connecticut, the industry employs over 3,500 individuals, with an annual payroll of over \$250 million. The industry pays an estimated \$37 million in state and local taxes that support vital public services.

AF&PA opposes this legislation because we believe it is in everyone's best interest to have chemicals in products regulated at the federal, not the state level. There already is an abundance of precaution factored into 14 existing federal laws and regulations that currently govern consumer product safety and chemical use. One of the key federal chemical regulation laws that govern chemical use is the Toxic Substances Control Act (TSCA), which imposes significant reporting, testing and regulatory requirements on the manufacture, import, processing, use and disposal of chemicals. TSCA statutory and regulatory foundation is sound; however, as with any law that has been in effect for 35 years, it needs to be updated. AF&PA fully supports federal TSCA reform. We believe Connecticut should allow Congress to reform TSCA to ensure a strong national regulatory system that all manufacturers, including those in Connecticut, can follow.

If Connecticut moves this chemical regulation forward, however, we believe it is the Legislature's responsibility to strike the proper balance between the scope of the program and the resources available to achieve success in protecting children's health. Programs that take on more than they can achieve generally are unsustainable and may do little to advance children's health. The Legislature should carefully define "priority chemicals" subject to the legislation, and limit the products on which the Commissioner of Public Health would be required to report.

AF&PA recommends that the Legislature narrow the scope of products that the Commissioner of Public Health must include in his report under section 2(d), making it clear that forest products (paper and wood) are exempt from the report. Paper and wood products should be outside of the scope of the report as they are not the problem. The goal of this bill is to provide safer options by reducing toxic chemicals in children's products. Wood and paper-based consumer products do not present the concerns being addressed in the legislation. Maine's Toxic Chemicals in Children's Products Act acknowledges that paper and wood products are not the problem and exempts paper and forest products. The Consumer Products Safety Commission (CPSC) also exempts wood and paper products from the testing and certification requirements of the Consumer Products Safety Information Act, which regulates lead and phthalates in children's products.

AF&PA also urges that the scope of the Commissioner of Public Health report be limited to actual consumer products and not the product packaging. Packaging is not part of the "product" intended for use by children over an extended amount of time. Vermont's green chemistry law acknowledges this and exempts "the packaging in which a product is sold, offered for sale or distributed."

Moreover, to most efficiently regulate consumer products, the Legislature should avoid duplicating prior regulatory efforts. As discussed above, there are 14 existing federal laws and regulations that govern consumer product safety and chemical use. Food packaging and food contact materials (FCMs) should be exempt as they already are regulated by the U.S. Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic Act (FDCA), a comprehensive federal regulatory structure that ensures the safety of these materials for public health and the environment throughout the full life cycle of the materials. In this area, the FDA employs more than 30 chemists, toxicologists, and other scientific staff, for the sole purpose of evaluating the safety and environmental impacts of chemicals in FCMs. With all of the decades of experience that the FDA has in this area, it would be wasteful, from a policy and resource perspective, for Connecticut to attempt to duplicate this system. An additional layer of state regulation inadvertently could inhibit technological innovation and the development of safer and more environmentally friendly food packaging materials, and ultimately, even force safe packaging materials out of the Connecticut market. The Legislature should focus the bill on products not already subject to forceful regulation. Since the FDA regulatory system already is in place, the regulation would not further protect the public.

Further, the report should focus only on priority chemicals intentionally added to products to serve a specific function. The goal and intent of S.B. 5653 is to provide the legislature with

information on better, safer options for products children use on a daily basis. Chasing unintentional trace levels of chemicals that have no adverse impact on public health or the environment would diminish the overall benefits and effectiveness of the program. AF&PA recommends that the report be focused on intentionally-added functional chemicals in products.

Finally, AF&PA believes any green chemistry regulation should be based on risk and sufficient and credible science, and reflect actual exposure to and risk from chemicals (in specific products). Based on these principles, we recommend that the definition of "priority chemical" be revised. The legislation's definition of a "priority chemical" would result in a list of potentially over 1000 chemicals that would meet the defined criteria. To properly prioritize these chemicals, we recommend the legislation define "priority chemical" in a way that outlines a prioritization method based on potency and actual exposure to children. In section (2)(f) the text should be revised to read, "be very persistent and very bioaccumulative *and be present in the environment at concentrations greater than levels expected to cause these health effects.*" The evaluation of this chemical prioritization also should be open for public comments so the Commissioner of Public Health can consider information from stakeholders regarding the "priority chemicals" list.

We appreciate the opportunity to comment on the proposed S.B. 5653. If you have any questions regarding AF&PA's position on the proposal, please contact Abigail Turner at (202) 463-2596. Thank you for your consideration.